

CHAPTER NO. 395**HOUSE BILL NO. 1822**

By Representatives Rinks, Henri Brooks, Marrero, Miller

Substituted for: Senate Bill No. 769

By Senators Burchett, Hagood, Bowers, McNally, Person, Burks

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 1 and Title 47, Chapter 25, Part 11, relative to protection of personal rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-152(a)(2), is amended by adding the language "and all rights protected by title 47, chapter 25, part 11" after the language "goods or services".

SECTION 2. Tennessee Code Annotated, Section 39-14-152(d)(2), is amended by deleting the period (.) at the end of the subdivision and substituting instead the following language:

, except with respect to violations involving distribution, selling, offering for sale, or possessing with the intent to sell, in which case all methods and manner of punishment in § 39-14-105 shall apply.

SECTION 3. Tennessee Code Annotated, Section 39-14-152(g), is amended by adding the language "title 47, chapter 25, part 11, or title 47, chapter 18, part 1" after the language "title 47, chapter 25, part 5".

SECTION 4. Tennessee Code Annotated, Section 47-25-1105(b), is amended by deleting the language and punctuation "commits a Class C misdemeanor." and substituting instead the language and punctuation "commits a Class A misdemeanor."

SECTION 5. Tennessee Code Annotated, Section 47-25-1105(d), is amended by adding the language and punctuation "; including all instrumentalities used in connection with the unauthorized use by the person violating this section," between the language "property" and "is".

SECTION 6. Tennessee Code Annotated, Section 47-25-1106(a), is amended by adding the following language at the end of the subsection:

As part of such injunction, the court may authorize the confiscation of all unauthorized items and seize all instrumentalities used in connection with the violation of the individual's rights. All instrumentalities seized pursuant to enforcing an injunction under this subsection shall be liquidated and used to satisfy statutory damages if damages are recovered by the rights holder.

SECTION 7. This act shall take effect July 1, 2005, the public welfare requiring it.

PASSED: May 25, 2005


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 9th day of June 2005


PHIL BREDESEN, GOVERNOR